

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

<b>In re</b>	)	
<b>T&amp;A PROPERTIES, LLC,</b>	)	<b>Chapter 11</b>
<b>Debtor.</b>	)	<b>Case No. 11-20546-JNF</b>
	)	
	)	

**FOURTH AND FINAL APPLICATION BY REGNANTE, STERIO & OSBORNE LLP,  
SPECIAL COUNSEL TO THE DEBTOR, T&A PROPERTIES, LLC,  
FOR COMPENSATION UNDER 11 U.S.C. § 3309(a)**

NOW COME Seth H. Hochbaum, Esq. (hereinafter “Hochbaum”) and Regnante, Sterio & Osborne LLP (hereinafter each and together, “Applicant”) and, pursuant to Federal Bankruptcy Rule of Procedure 2016, Local Rule 2016-1 and the guidelines promulgated by the Executive Office for the United States Trustee pursuant to the Bankruptcy Reform Act of 1994, respectfully submit the following:

**I. Introduction**

On November 8, 2011 (hereinafter “Petition Date”), T&A Properties, LLC (hereinafter “Debtor”) filed a voluntary petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code. On February 22, 2012, Applicant filed its first Application for Compensation seeking compensation for legal services it rendered to Debtor from the Petition Date through and including February 9, 2012. On August 1, 2012, Applicant filed its Second Application for Compensation seeking compensation for legal services it rendered to Debtor from February 16, 2012 through and including August 1, 2012. On January 3, 2013, Applicant filed its Third Application for Compensation seeking compensation for legal services it rendered to Debtor from August 14, 2012 through and including January 3, 2013. This Fourth and Final Application

for Compensation relates to legal fees and costs for services rendered by Applicant to Debtor from January 14, 2013 through and including June 11, 2013.

## **II. Facts**

1. Debtor is the owner of nine multi-unit residential properties in East Boston, Massachusetts.

2. Two of Debtor's nine properties, one located at 514 Sumner Street, East Boston, Massachusetts (hereinafter "Sumner Street property") and the other located at 144-146 Webster Street, East Boston, Massachusetts (hereinafter "Webster Street property"), were severely damaged in separate fires that occurred on March 30, 2009 and January 20, 2010, respectively.

3. On December 15, 2010, Debtor retained Hochbaum and Regnante, Sterio & Osborne LLP to provide legal services to it in connection with the pursuit of insurance claims resulting from the fire losses at the Sumner Street and Webster Street properties. A copy of the letter regarding Engagement to Provide Legal Services ("Engagement Letter") is attached hereto as Exhibit 1.

4. Under the Engagement Letter, Debtor agreed to be responsible for the payment of Applicant's attorney's fees and expenses in connection with Applicant's representation of Debtor. Debtor agreed that Applicant's legal services would be billed on an hourly basis at an hourly rate that was subject to change. Debtor further agreed to pay to Applicant a retainer in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

5. On January 5, 2011, Debtor paid the \$2,500.00 retainer, and that amount was subsequently applied to satisfy invoices for legal services provided by Applicant.

6. After the \$2,500.00 retainer amount was fully applied to satisfy Applicant's invoices for legal services, Applicant continued to provide legal services, billed on an hourly basis, to Debtor.

7. Applicant has continued to provide legal services to Debtor in connection with Debtor's insurance claims. From January 14, 2013 through and including June 11, 2013, Applicant spent six and one tenth (6.1) hours providing legal services to Debtor. The attorney's fees for legal services provided to Debtor by Applicant from January 14, 2013 through and including June 11, 2013 total the sum of One Thousand Six Hundred Sixty-Six Dollars and Fifty Cents (\$1,666.50), and the costs incurred by Applicant in rendering such legal services to Debtor during that time period total Thirteen Dollars and Fifty-Three Cents (\$13.53), none of which has been paid.

8. All of the legal services that Applicant provided to Debtor between January 14, 2013 and June 11, 2013 were in connection with the handling of Debtor's insurance claims resulting from the fire losses at the Sumner Street and Webster Street properties. Prior to the Petition Date, Applicant had expended substantial time and effort in handling such insurance claims and had successfully recovered portions of the insurance claims.

9. The legal services that Applicant rendered to Debtor between January 14, 2013 and June 11, 2013 included, without limitation, communicating with the Debtor and opposing counsel regarding Debtor's code upgrade and depreciation holdback claims; handling settlement issues on open code upgrade and depreciation holdback claims; requesting extensions of the limitations periods for submission of further code upgrade and depreciation holdback claims; reviewing opposing counsel's requests for documentation in support of Debtor's code upgrade

claims and producing responsive supplemental documents; and preparing and filing a motion for new opposition deadline in connection with Applicant's Third Application for Compensation.

10. Prior to the Petition Date, Applicant recovered Twenty-Six Thousand Eighty-Seven Dollars and Fifty-Six Cents (\$26,087.56) in insurance proceeds on Debtor's insurance claims.

11. On November 22, 2010, Debtor filed an Application to Employ Special Counsel in which it requested that the Court enter an order permitting the employment of Applicant in order to pursue recovery of the insurance claims that were then outstanding. On December 8, 2011, Debtor's Application to Employ Special Counsel was granted. A copy of the Order granting Debtor's Application to Employ Special Counsel is attached hereto as Exhibit 2.

12. Applicant has continued to expend substantial time and efforts in continuing to handle Debtor's insurance claims.

13. On December 28, 2011, Applicant recovered an additional Forty-Three Thousand Two Hundred Fifty-One Dollars and Forty-Five Cents (\$43,251.45) in insurance proceeds on Debtor's insurance claims.

14. On July 27, 2012, Applicant was notified that its efforts resulted in a willingness on the part of Debtor's insurer to pay an additional Thirty Four Thousand Seven Hundred Twelve Dollars and Fifty-Two Cents (\$34,712.52) in insurance proceeds on Debtor's insurance claims.

15. On or about November 30, 2012, Applicant was notified that its efforts resulted in a willingness on the part of Debtor's insurer to pay an additional \$18,290.00 in insurance proceeds on Debtor's insurance claims, which the insurer paid on February 7, 2013.

16. On February 27, 2013, Debtor's insurer issued an additional check to Debtor in the sum of \$19,026.29.<sup>1</sup>

17. Debtor's insurer has paid and/or promised to pay to Debtor the gross sum of One Hundred Forty-One Thousand Three Hundred Sixty-Seven Dollars and Eighty-Two Cents (\$141,367.82). Thus, the legal services that Applicant has rendered in connection with the handling of Debtor's insurance claims and recovery of insurance proceeds has greatly benefitted the estate and its creditors.

18. By this Fourth and Final Application for Compensation, Applicant seeks to be paid by the Debtor all unpaid amounts between January 14, 2013 through and including June 11, 2013 (One Thousand Six Hundred Eighty Dollars and Three Cents (\$1,680.03)) for legal services that it rendered in connection with handling Debtor's insurance claims, plus the costs it incurred in rendering such services.

19. This Fourth and Final Application is filed in accordance with 11 U.S.C. § 330(a). The itemization of legal services rendered by Applicant and the costs incurred in rendering such services was compiled from the time records maintained by Regnante, Sterio & Osborne LLP in good faith and in the ordinary course of its business. Copies of said time records are attached hereto as Exhibit 3.

- i. The hourly rate for Hochbaum is \$295.00.
- ii. Hochbaum (SHH) is a partner with Regnante, Sterio & Osborne LLP. Hochbaum was admitted to the bar in 1995. Since his admission to the bar, Hochbaum has practiced in the area of civil litigation, including all aspects of insurance-related litigation.

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<sup>1</sup> Applicant received said check on July 12, 2013.

iii. The hourly rate for Laura R. McKelligott (hereinafter “McKelligott”) is \$225.00.

iv. McKelligott (LRM) is an associate with Regnante, Sterio & Osborne LLP. McKelligott was admitted to the bar in 2005. Since her admission to the bar, McKelligott has practiced in the area of civil litigation.

20. The billing rates listed above were the usual hourly rates billed by Hochbaum and McKelligott for similar work in similar cases. The compensation for their services sought will not be shared directly or indirectly with any other person or firm. No prior request for allowance of the fees sought herein has been made.

21. The summary chart for the legal services that Applicant rendered to Debtor from August 14, 2012 through and including January 3, 2013 is below:

Attorney	Initials	Hourly Rate	Total Hours	Total Amount Billed	Total Amount Paid
Seth H. Hochbaum	SHH	\$295.00	4.2	\$1,239.00	\$0.00
Laura R. McKelligott	LRM	\$225.00	1.9	\$427.50	\$0.00
<b>TOTALS</b>			<b>6.1</b>	<b>\$1,666.50</b>	<b>\$0.00</b>

22. In addition to the fees for legal services itemized in paragraph 21 above, Applicant incurred costs of \$13.53 (Thirteen Dollars and Fifty-Three Cents) for Federal Express shipping charges in rendering such legal services.

23. In total, Applicant is owed One Thousand Six Hundred Eighty Dollars and Three Cents (\$1,680.03) in legal fees and costs for legal services that Applicant provided to Debtor from January 14, 2013 through and including June 11, 2013 in connection with the handling of Debtor’s insurance claims and the collection of insurance proceeds on behalf of Debtor.

III. **Relief Requested**

For all of the foregoing reasons, Applicant believes that an award of its fees and costs detailed above is reasonable and warranted. Applicant has not made any prior requests for allowance of the fees and costs requested herein.

WHEREFORE, the Applicant requests that this Honorable Court enter an Order allowing its fees and costs set forth in this Fourth and Final Application for Compensation in the amount of **One Thousand Six Hundred Eighty Dollars and Three Cents (\$1,680.03).**

Respectfully submitted,

/s/ Seth H. Hochbaum  
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Dated: July 16, 2013

**CERTIFICATE OF SERVICE**

I, Seth H. Hochbaum, hereby certify that on this 16th day of July, 2013, I served a true and accurate copy of the foregoing Fourth and Final Application for Compensation electronically via the CM/ECF system and/or via first class mail, postage-prepaid on the following parties:

**Via CM/ECF**

Paula Bachtell, Esq., United States Trustee  
John Fitzgerald, Esq., United States Trustee  
Dennis Jenkins, Esq., counsel for Federal National Mortgage Association  
Timothy Mauser, Esq., counsel for T & A Properties, LLC

**Via First-Class Mail**

T & A Properties, LLC  
c/o Mr. Aaron Daigneault  
40 Everett Street  
East Boston, MA 02128

And to the creditors on the attached service list.

/s/ Seth H. Hochbaum  
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